**Governance Framework Document**

**Document K: Call-in Guidance**

**Overview and Scrutiny**

**Guide to Call-in**

This Guide should be read alongside Article 11 - Overview and Scrutiny of the Constitution.

**Call-in**

Call-in is a process that enables an Overview and Scrutiny Committee to examine and make recommendations on any Executive decision that has been made, but that has not yet been implemented. All Executive decisions of the Executive Board, the Leader of the Council or any other individual member of the Executive Board, a Committee of the Executive Board, or any officer taking a specifically delegated decision that would usually be taken by an Executive member, are subject to the call-in procedure.

**Making a request to call in a decision**

Executive decisions are published on the Council’s website and made available at Loxley House, normally within three working days of being taken. In the majority of cases, an Executive decision may not be implemented during the five clear working days following its publication, which constitutes the formal call-in period. Within the call-in period, three Councillors may collectively sign a request for the decision to be called in. This request must be submitted in writing to the Head of Governance using the Call-in Request Form. However, if there are only three or fewer Councillors who are not members of the majority group, then only two Councillors are required to sign the call-in request.

An unimplemented Executive decision can be called in for one or more of the following reasons, which must be specified on the Call-in Request Form:

1. that the decision is outside of the Council’s Budget or Policy Framework;
2. that the decision-maker has not demonstrated that adequate consultation was carried out before the decision was taken;
3. that the decision-maker has not demonstrated that they have considered all of the relevant information; or
4. that the decision-maker has not demonstrated that they have considered the viable alternatives.

The call-in procedure does not apply where the decision being taken is urgent. A decision is urgent only if any delay likely to be caused by the call-in process would seriously prejudice either the Council’s or the public’s interests. However, exemption from the usual call-in process should only be used in extreme circumstances and should not feature as a regular part of decision-making.

**How call-in requests are assessed**

The Head of Governance is responsible for assessing the validity of call-in requests against the four criteria set out above, in consultation with the Director of Legal and Governance in any cases of doubt. Any call-in requests that appear to be defamatory or frivolous will be rejected.

Where a call-in request is considered to be valid, the decision-maker and relevant Executive Member, Corporate Director, Director and decision author will be informed that implementation of the decision is suspended until the call-in request has been considered at a meeting of an Overview and Scrutiny Committee. The Overview and Scrutiny Committee with the remit relevant to the substance of the decision must then meet within seven clear working days of the receipt of the call-in request, or at a later date if agreed by the Chair of that Committee in consultation with the decision-maker. This meeting can be one that has already been scheduled as part of the Committee’s regular work programme, or an additional meeting should be called if necessary.

**Meeting of an Overview and Scrutiny Committee to consider a call-in request**

The decision-maker (or the Chair of the decision-making body) will be invited to attend the Committee meeting to present their reasons for making the decision. The Councillors who signed the call-in request will also be invited to attend to present their reasons for calling the decision in. A signatory to a call-in request who is also a member of an Overview and Scrutiny Committee may still sit as a member of the Committee if the decision falls within that Committee’s remit to consider, provided that their view on the matter is not pre-determined.

The purpose of the Committee meeting is to:

1. agree whether or not the call-in request is valid; and, if so,
2. consider whether or not the decision should be referred back to the decision-maker for further consideration.

For the consideration of a call-in request, the Chair should:

1. ask the Committee to agree whether or not the call-in request is valid, and establish the parameters for any discussion;
2. ask the relevant decision-maker and Executive Member to briefly outline the details of and the reasons for the decision;
3. ask a representative of the Councillors who signed the call-in request to briefly outline their concerns and the reasons for these; and
4. ask the decision-maker (and their supporting colleagues) to briefly respond to the points raised.

The Committee will then discuss the call-in request and invite the decision-maker and the Councillors who signed the call-in request to respond to any questions raised by the Committee. Finally, the Chair will invite the decision-maker and a representative of the Councillors who signed the call-in request to sum up any final comments.

On the basis reasons for the call-in as given in the Call-in Request Form, and on the evidence presented at the meeting, the Committee must then decide to either:

1. require that the decision-maker reconsiders the decision, setting out recommendation(s) as to what further information should be taken into account as part of the reconsideration process; or
2. agree that the decision does not need to be reconsidered and can be implemented immediately.

If the Committee is of the opinion that the decision is materially outside the Council’s Budget and/or Policy Framework, it must seek advice from the Monitoring Officer and/or the Chief Finance Officer. If the advice returned is that the decision is contrary to the Policy Framework or is contrary to / not wholly in accordance with the Budget, the Committee may refer the decision for reconsideration by Full Council. In such cases, no further action may be taken in respect of the decision or its implementation until Full Council has met and considered the matter as per Article 8 - The Budget and Policy Framework of the Constitution.

In all cases, the Committee must provide clear reasons for its decision. The Committee may also make other relevant recommendations to the appropriate Executive Member, or to the Executive Board as a whole.

**Following the Overview and Scrutiny Committee meeting**

Following the Committee meeting, the decision-maker and relevant Executive Member, Corporate Director, Director and decision author will be informed of the outcome in writing. The decision-maker must reconsider the decision if requested to do so by the Committee, but retains the discretion to determine whether the original decision should stand or whether a revised decision should be taken. The decision-maker’s final decision cannot be subject to further call-in. If the decision-maker is the Executive Board or another Executive Committee, reconsideration will be carried out by:

* the original decision-making body (at a specially convened meeting, if necessary);
* the Leader of the Council; or
* an individual Executive member to whom the Leader of the Council has delegated this responsibility.

Any additional recommendations made by the Committee to the Executive Board or to an individual Executive Member must be treated in the same way as any other recommendations made by an Overview and Scrutiny Committee, with a written reply to be returned to the Committee within two months on what action (if any) will be taken as a result.

**Contact information**

For further information about call-in, or any other matters related to the Overview and Scrutiny function, please contact the Head of Governance at constitutional.services@nottinghamcity.gov.uk.